

EXHIBIT F



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Princeton, NJ 08543

File No.: 308729-00004

Nicholas M. Gaunce, Esq.
609 989 5058
ngaunce@eckertseamans.com

November 30, 2018

Via Process Service
Records Custodian
TD Bank, N.A.
1701 Marlton Pike East
Cherry Hill, NJ 08034

RE: NextGear Capital, Inc. v. The Luxury Haus, Inc., et al
Docket No. BER-L-7268-16

Dear Sir/Madam:

We represent the plaintiff, NextGear Capital, Inc. ("NextGear") in the above-captioned action. Enclosed, please find a Subpoena *duces tecum* that requests you produce certain documents as specified in the Subpoena. ***Please note that responsive records may be mailed in lieu of a formal appearance but cannot be produced before the return date set forth in the subpoena.***

If you are notified that a Motion to Quash the Subpoena has been filed then do not produce the subpoenaed documents until ordered by the Court or until all parties to this action consent to the release of the subpoenaed evidence.

Please contact my office should you have any questions. Thank you for your prompt attention to this matter.

Very truly yours,

NICHOLAS M. GAUNCE

(via fax)(w/enc.)

cc: Ian Hirsch, Esq.
Richard P. Galler, Esq.
Ross Katz, Esq.
Paul S. Doherty, III, Esq.

ECKERT SEAMANS CHERIN & MELLOTT, LLC

Nicholas M. Gaunce, Esq. (N.J. Attorney ID No. #012032007)

Physical Address: 2000 Lenox Drive, Suite 203, Lawrenceville, NJ 08648

Mailing Address: P.O. Box 5404, Princeton, NJ 08543

Telephone: (609) 392-2100

Facsimile: (609) 392-7956

Attorneys for Plaintiff, NextGear Capital, Inc.

NEXTGEAR CAPITAL, INC.,

Plaintiff,

v.

THE LUXURY HAUS, INC., and
ANTONIO L. GUTIERREZ, and ABC CO.,
and EDITH GUTIERREZ, jointly and
severally,

Defendants.

: SUPERIOR COURT OF NEW JERSEY

: BERGEN COUNTY: LAW DIVISION

: DOCKET NO.: BER-L-7268-16

:

:

: Civil Action

:

:

: SUBPOENA DUCES TECUM

:

:

THE STATE OF NEW JERSEY TO:

Records Custodian

TD Bank, N.A.

1701 Marlton Pike East

Cherry Hill, NJ 08034

YOU ARE HEREBY COMMANDED to attend and give testimony before the above-named Court at the offices of Eckert Seamans Cherin & Mellott, LLC, 2000 Lennox Drive, Suite 203, Lawrenceville, New Jersey 08648, on December 21, 2018, at 10:00 o'clock a.m., in the above-entitled action and, pursuant to R. 1:9-2, that you have and bring with you and produce at the same time and place the following documents:

1. Any and all bank checks, cashier's checks, treasurer's checks, checks, any negotiable instrument or other payment instrument connected with the withdrawal slips that are attached here Exhibit "A."

Pursuant to R. 4:14-7(c), subpoenaed evidence shall not be produced or released until the date specified for return of the subpoena. If you are notified that a motion to quash the subpoena has been filed, you shall not produce or release the subpoenaed evidence until ordered to do so

by the Court or the release is consented to by all parties to this action. In lieu of a personal appearance, certified records will be accepted.

Failure to comply with this subpoena will subject you to such penalties as are provided by law.


Nicholas M. Gaunce, Esq.
**Eckert Seamans Cherin
& Mellott, LLC**
Attorneys for Plaintiff, NextGear Capital, Inc.

/s/ Michelle M. Smith, Esq.
Michelle M. Smith, Clerk
Superior Court of New Jersey

Dated: November 30, 2018

EXHIBIT A

 <p>TD Bank</p> <p>10/12 4712 EKB-9/20/19</p> <p>NAME <u>Lucy Hsu</u> PLEASE PRINT <u>Lucy Hsu</u> 10/3/2016</p> <p>10/15 4712 EKB-9/20/19</p> <p>WITHDRAWN IN FULL IN HOME STATE</p> <p>AMOUNT <u>6473</u> SIGNATURES <u>6473</u></p> <p>10/14 4712 EKB-9/20/19</p> <p>AMOUNT <u>9500.00</u> SIGNATURES <u>9500.00</u></p> <p>10/14 4712 EKB-9/20/19</p> <p>AMOUNT <u>500</u> SIGNATURES <u>500</u></p>	
<p>Account: <u>6473</u></p> <p>Amount: 9,500.00</p> <p>PostDate: 20161003</p> <p>Tran_ID: 737908466</p> <p>CheckNum: 0</p> <p>DIN: 737908471</p> <p>ReturnReasonCode:</p>	

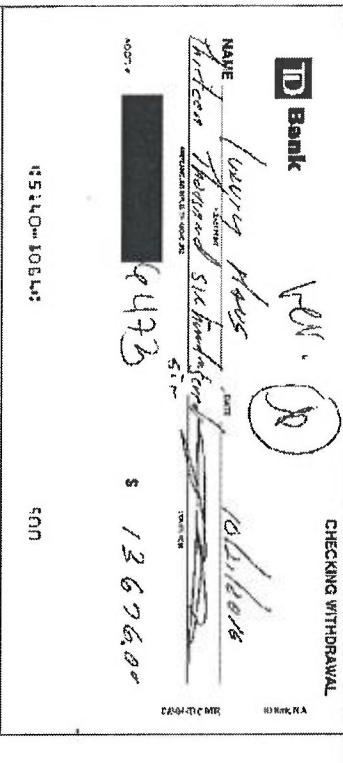
<p>CHECKING WITHDRAWAL</p> <p>TD Bank, N.A.</p> <p>NAME <u>Lucy Hsu</u> DATE <u>10-12-16</u></p> <p>10/12 4712 EKB-9/20/19</p> <p>AMOUNT <u>6473</u> SIGNATURES <u>6473</u></p> <p>10/12 4712 EKB-9/20/19</p> <p>AMOUNT <u>69000.00</u> SIGNATURES <u>69000.00</u></p> <p>10/12 4712 EKB-9/20/19</p> <p>AMOUNT <u>500</u> SIGNATURES <u>500</u></p>	
<p>Account: <u>6473</u></p> <p>Amount: 9,500.00</p> <p>PostDate: 20161003</p> <p>Tran_ID: 737908466</p> <p>CheckNum: 0</p> <p>DIN: 737908471</p> <p>ReturnReasonCode:</p>	

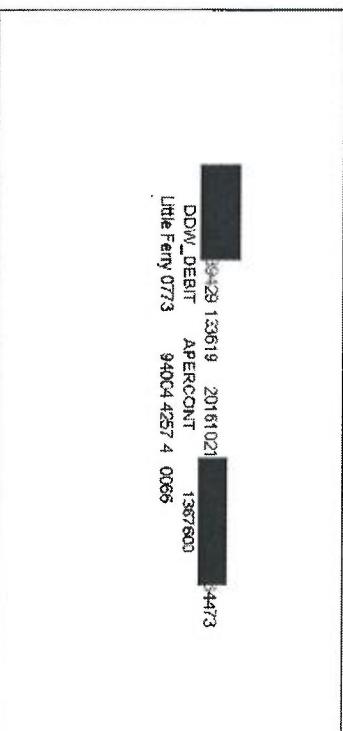
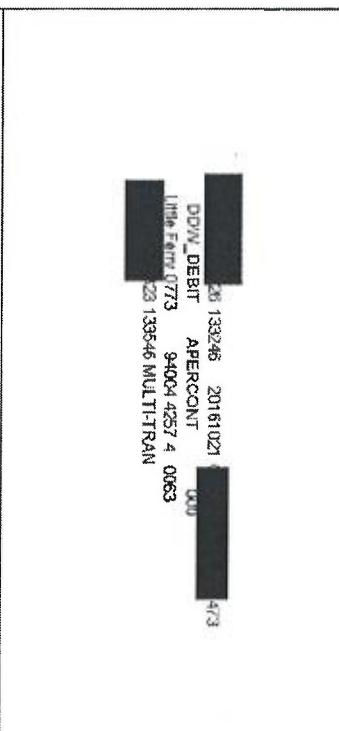
 Bank [REDACTED]  CHECKING WITHDRAWAL 10/13/18 11835 20161013 473 43000.00	
<p>Account: [REDACTED] 6473 Amount: 43,000.00 PostDate: 20161013 Tran_ID: 550435526 CheckNum: 0 DIN: 550435536 ReturnReasonCode:</p>	<p>4251400106412 \$000</p>

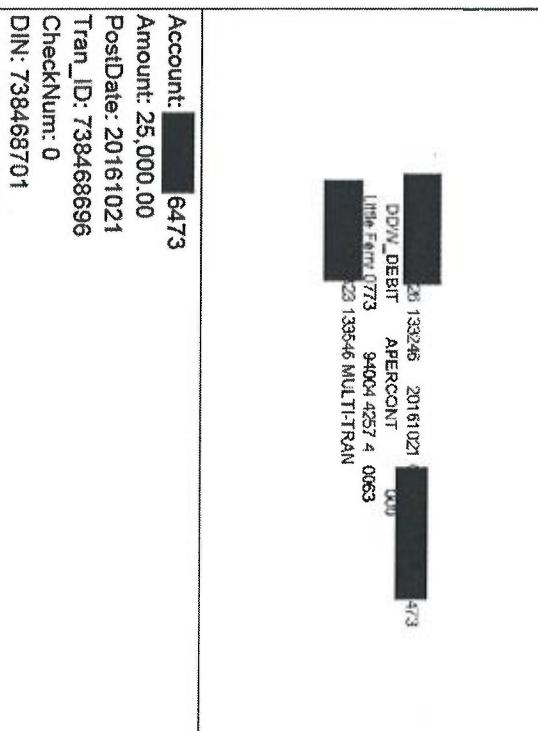
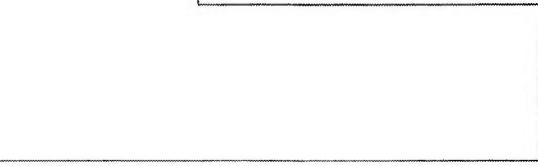
 Bank [REDACTED]  CHECKING WITHDRAWAL 10/13/18 11835 20161013 473 43000.00	
<p>Account: [REDACTED] 66473 Amount: 43,000.00 PostDate: 20161013 Tran_ID: 550435526 CheckNum: 0 DIN: 550435536 ReturnReasonCode:</p>	<p>4251400106412 \$000</p>

 <p>TD Bank</p> <p>11287 CHECKING WITHDRAWAL EFT 9/30/19</p> <p>NAME: <u>Young, James</u> (James) DATE: <u>10/18/16</u></p> <p>AMOUNT: <u>\$ 58,700.00</u></p> <p>POSTDATE: <u>20161018</u></p> <p>TRAN_ID: <u>500440331</u></p> <p>CHECKNUM: <u>0</u></p> <p>DIN: <u>500440341</u></p> <p>RETURNREASONCODE:</p>	
<p>11511000 10E4H1</p> <p>500</p>	

 <p>TD Bank</p> <p>11287 CHECKING WITHDRAWAL EFT 9/30/19</p> <p>NAME: <u>Young, James</u> (James) DATE: <u>10/18/16</u></p> <p>AMOUNT: <u>\$ 58,700.00</u></p> <p>POSTDATE: <u>20161018</u></p> <p>TRAN_ID: <u>500440331</u></p> <p>CHECKNUM: <u>0</u></p> <p>DIN: <u>500440341</u></p> <p>RETURNREASONCODE:</p>	
<p>11511000 10E4H1</p> <p>500</p>	

 <p>10/21/2018 Luxury Hand \$2500.00</p>		 <p>10/21/2018 \$2500.00 6473</p>	
Account:	6473	Account:	6473
Amount:	25,000.00	Amount:	25,000.00
PostDate:	20161021	PostDate:	20161021
Tran_ID:	738468696	Tran_ID:	738468696
CheckNum:	0	CheckNum:	0
DIN:	738468701	DIN:	738468701
ReturnReasonCode:			

 <p>10/21/2018 Little Ferry \$13,676.00</p>		 <p>10/21/2018 \$13,676.00 6473</p>	
Account:	6473	Account:	6473
Amount:	13,676.00	Amount:	13,676.00
PostDate:	20161021	PostDate:	20161021
Tran_ID:	738468706	Tran_ID:	738468706
CheckNum:	0	CheckNum:	0
DIN:	738468711	DIN:	738468711
ReturnReasonCode:			

 <p>10/21/2018 \$13,676.00 6473</p>		 <p>10/21/2018 \$13,676.00 6473</p>	
Account:	6473	Account:	6473
Amount:	13,676.00	Amount:	13,676.00
PostDate:	20161021	PostDate:	20161021
Tran_ID:	738468706	Tran_ID:	738468706
CheckNum:	0	CheckNum:	0
DIN:	738468711	DIN:	738468711
ReturnReasonCode:			

<p>Account: [REDACTED] 6473</p> <p>Amount: 27,400.00</p> <p>PostDate: 20161026</p> <p>Tran_ID: 718126701</p> <p>CheckNum: 0</p> <p>DIN: 718126716</p> <p>ReturnReasonCode:</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>4330 141548 20161026 00000000000000000000 UNION DEBIT RAVATA 3740000</p> <p>[REDACTED] Union Debit 9400456636 0144</p> <p>[REDACTED] 433 141924 MULTI-TRAN</p>
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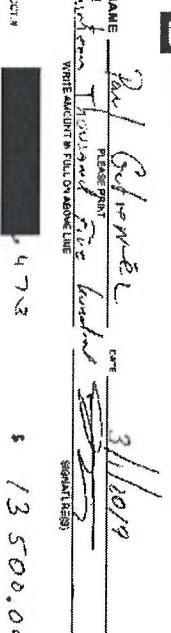
CHECKING WITHDRAWAL			
 TD Bank NAME <u>Fixing Haws</u> DATE <u>1/12/2016</u> <small>TD BANK REGULAR CHECKING ROUTINE INTRALINE ADVICE LINE</small>		<small>680 174434 20161102</small> <small>DDW_DEBIT RRODRIGZ</small> <small>Little Ferry 0773 9400442573 0 62</small> <small>8000000</small>	
Account: ████████ 6473 Amount: 8,000.00 PostDate: 20161102 Tran_ID: 724242211 CheckNum: 0 DIN: 724242216 ReturnReasonCode:		<small>151400 100142</small> <small>500</small>	
 TD Bank NAME <u>Fixing Haws</u> DATE <u>1/12/2016</u> <small>TD BANK REGULAR CHECKING ROUTINE INTRALINE ADVICE LINE</small>			
Account: ████████ 6473 Amount: 8,000.00 PostDate: 20161102 Tran_ID: 724242211 CheckNum: 0 DIN: 724242216 ReturnReasonCode:			

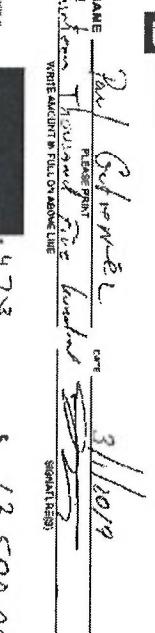
CHECKING WITHDRAWAL			
 TD Bank NAME <u>Fixing Haws</u> DATE <u>1/12/2016</u> <small>TD BANK REGULAR CHECKING ROUTINE INTRALINE ADVICE LINE</small>		<small>680 174434 20161102</small> <small>DDW_DEBIT RRODRIGZ</small> <small>Little Ferry 0773 9400442573 0 62</small> <small>8000000</small>	
Account: ████████ 6473 Amount: 8,000.00 PostDate: 20161102 Tran_ID: 724242211 CheckNum: 0 DIN: 724242216 ReturnReasonCode:		<small>151400 100142</small> <small>500</small>	
 TD Bank NAME <u>Fixing Haws</u> DATE <u>1/12/2016</u> <small>TD BANK REGULAR CHECKING ROUTINE INTRALINE ADVICE LINE</small>			
Account: ████████ 6473 Amount: 8,000.00 PostDate: 20161102 Tran_ID: 724242211 CheckNum: 0 DIN: 724242216 ReturnReasonCode:			

<p>ID Bank</p> <p>DEBIT CARD</p> <p>CHECKING WITHDRAWAL</p> <p>NAME <i>Virginia Hayes</i> PLEASE PRINT FLOOR PLAZA 21st & KENYON W/OUT AMOUNT IN FULL OR IN BRIEFLY ACCT. # <i>473</i> \$ 4900.00 SIGNATURE <i>Virginia Hayes</i></p> <p>15140-10644# 500</p>	
<p>Account: 6473 Amount: 4,900.00 PostDate: 20161115 Tran_ID: 530271321 CheckNum: 0 DIN: 530271326 ReturnReasonCode:</p>	<p>34122 20161115 00000000000000000000 LION-DEBT RAYALA 490000 Union 0463 9400456636 0162</p>
<p>ID Bank</p> <p>DEBIT CARD</p> <p>CHECKING WITHDRAWAL</p> <p>NAME <i>Virginia Hayes</i> PLEASE PRINT FLOOR PLAZA 21st & KENYON W/OUT AMOUNT IN FULL OR IN BRIEFLY ACCT. # <i>473</i> \$ 3000.00 SIGNATURE <i>Virginia Hayes</i></p> <p>15140-10644# 500</p>	
<p>Account: 6473 Amount: 4,900.00 PostDate: 20161115 Tran_ID: 530271321 CheckNum: 0 DIN: 530271326 ReturnReasonCode:</p>	<p>32 149851 20161128 DDN_DEBIT RAYALA 000 149851 9400456636 0162 305 141345 MULTI-TRAN</p>
<p>ID Bank</p> <p>DEBIT CARD</p> <p>CHECKING WITHDRAWAL</p> <p>NAME <i>Virginia Hayes</i> PLEASE PRINT FLOOR PLAZA 21st & KENYON W/OUT AMOUNT IN FULL OR IN BRIEFLY ACCT. # <i>473</i> \$ 3000.00 SIGNATURE <i>Virginia Hayes</i></p> <p>15140-10644# 500</p>	
<p>Account: 6473 Amount: 30,000.00 PostDate: 20161128 Tran_ID: 510461621 CheckNum: 0 DIN: 510461631 ReturnReasonCode:</p>	<p>32 149851 20161128 DDN_DEBIT RAYALA 000 149851 9400456636 0162 305 141345 MULTI-TRAN</p>

 <p>CHECKING WITHDRAWAL 12/10.9/2019</p> <p>NAME: <u>Laura May S</u> Date: <u>12/1/2019</u> E-PAY: <u>TH</u> Signature: <u>12/1/2019</u> Account: <u>6473</u></p> <p>15140-10041 6473 \$ 50000.00</p> <p>500</p>	
<p>Account: 6473 Amount: 50,000.00 PostDate: 20161201 Tran_ID: 742341326 CheckNum: 0 DIN: 742341331 ReturnReasonCode:</p>	
<p>TD Bank 07783 09/30/19</p> <p>CHECKING WITHDRAWAL 12/10.9/2019</p> <p>NAME: <u>Luxury Hous</u> Date: <u>12/1/2019</u> Tenn. for <u>Theresa</u> Signature: <u>12/1/2019</u> Account: <u>6473</u> \$ 20576.09 Note: <u>6473</u></p> <p>15140-10041 6473 \$ 20576.09</p> <p>500</p>	
<p>Account: 66473 Amount: 50,000.00 PostDate: 20161201 Tran_ID: 742341326 CheckNum: 0 DIN: 742341331 ReturnReasonCode:</p>	

<p>TD Bank 07783 09/30/19</p> <p>CHECKING WITHDRAWAL 12/10.9/2019</p> <p>NAME: <u>John D. B.</u> Date: <u>12/1/2019</u> E-PAY: <u>TH</u> Signature: <u>12/1/2019</u> Account: <u>6473</u></p> <p>15140-10041 6473 \$ 50000.00</p> <p>500</p>	
<p>Account: 6473 Amount: 20,576.09 PostDate: 20161216 Tran_ID: 707380686 CheckNum: 0 DIN: 707380696 ReturnReasonCode:</p>	
<p>TD Bank 07783 09/30/19</p> <p>CHECKING WITHDRAWAL 12/10.9/2019</p> <p>NAME: <u>John D. B.</u> Date: <u>12/1/2019</u> E-PAY: <u>TH</u> Signature: <u>12/1/2019</u> Account: <u>6473</u></p> <p>15140-10041 6473 \$ 50000.00</p> <p>500</p>	
<p>Account: 66473 Amount: 50,000.00 PostDate: 20161201 Tran_ID: 707380686 CheckNum: 0 DIN: 707380696 ReturnReasonCode:</p>	

CHECKING WITHDRAWAL	
 TD Bank 	
<p>NAME <u>Jeffrey Jones</u> <u>16/10/19</u> <u>TD</u> <u>Thru</u> <u>Message</u> <u>Bank</u> <u>6473</u> <u>WRITE AMOUNT IN FULL OVERLINE LINE</u></p>	
ACCT #	6473
Amount:	2,380.80
PostDate:	20170216
Tran_ID:	532576796
CheckNum:	0
DIN:	532576801
ReturnReasonCode:	
	
1514010844 500	

CHECKING WITHDRAWAL	
 TD Bank 	
<p>NAME <u>Jeffrey Jones</u> <u>16/10/19</u> <u>TD</u> <u>Thru</u> <u>Message</u> <u>Bank</u> <u>6473</u> <u>WRITE AMOUNT IN FULL OVERLINE LINE</u></p>	
ACCT #	6473
Amount:	2,380.80
PostDate:	20170216
Tran_ID:	532576796
CheckNum:	0
DIN:	532576801
ReturnReasonCode:	
	
1514010844 500	

TD Bank		CHECKING WITHDRAWAL	
44509-3019		- 53732..	
Paul Griffoine		- SIGNATURE/TELEPHONE	
Please print legible		3/17/2019	
Amount in words		150.00	
Amount in figures		150.00	
NOT		473	
150.00		\$ 480.00	
500			

175 150438 20170315		DDW DEBIT CFRASIC 930000	
Union City 0747 94004 5747 8 0117			
Account: [REDACTED] 473			
Amount: 9,800.00			
PostDate: 20170315			
Tran_ID: 746908291			
CheckNum: 0			
DIN: 746908296			
ReturnReasonCode:			

NAME		Mr. Henry Hays Brown
ADDRESS		1000 1/2 10th Street
CITY		WICHITA
STATE		KANSAS
ZIP CODE		67201
PHONE NUMBER		(316) 263-1234
DATE		
10/24/2019		
WHITE AND DRY IN FILL-ON-SHOPLINE		
SIGNATURE		
10-288-9149		
CHECKING WITHDRAWAL		

45140...10E41: 500
Account: [REDACTED] 8682
Amount: 5,000.00
PostDate: 20171024
Tran_ID: 558563671
CheckNum: 0
DIN: 558563676
ReturnReasonCode:

<p style="text-align: right;">TD Bank</p> <p style="text-align: right;">782 930/19</p> <p style="text-align: right;">CHECKING WITHDRAWAL</p> <p style="text-align: right;">TD Bank, N.A.</p>	
<p>NAME <u>WILLIAM HANS CONNELL</u></p> <p>ADDRESS <u>1020 1/2 100</u></p> <p>PHONE <u>555-1234</u></p> <p>INTERVIEWS IN PERSON OR BY TELEPHONE</p>	
<p>AMOUNT <u>8682</u></p> <p>AMOUNT <u>\$ 2500.00</u></p>	
<p>Account: <u>8682</u></p> <p>Amount: <u>2,500.00</u></p> <p>PostDate: <u>20171026</u></p> <p>TransID: <u>711419416</u></p> <p>CheckNum: <u>0</u></p> <p>DIN: <u>711419421</u></p> <p>ReturnReasonCode:</p>	<p>500</p>

Account: [REDACTED] 8682	43 090826 2017/10/24 0000000000000000
Amount: 5,000.00	DOWN - DEBIT APERCONT 50000
PostDate: 2017/10/24	94004 4251 4 0009
Tran_ID: 558563671	
CheckNum: 0	
DIN: 558563676	
ReturnReasonCode:	